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1328 U.S. PTO

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.: 2004_0290

First Named Inventor : Minoru FUJIMORI et al.

Title: ANAEROBIC BACTERIUM AS A DRUG FOR CANCER GENE THERAPY

Express Mail Label No:

22856 U.S. PTO 10/782899

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

- 1. Fee Transmittal Form
(Submit an original, and a duplicate for fee processing)
- 2. Small Entity Status is hereby asserted.
- 3. Specification [Total Pages: 71]
(preferred arrangement set forth below)
 - Descriptive title of the Invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to Sequence Listing, a table, or a computer program listing appendix.
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings *(if filed)*
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
- 4. Drawing(s) (35 USC 113) [Total Sheets: 11]
- 5. Oath or Declaration [Total Pages : 3]
 - a.1. Newly executed (original or copy)
 - a.2. Unexecuted
 - b. Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- 6. Application Data Sheet (see 37 CFR 1.76)

- 7. CD-ROM or CD-R in duplicate, large table or computer program *(Appendix)*
- 8. Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all necessary)*
 - a. Computer Readable Form
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. Paper
 - c. The paper and computer readable copies are identical

ACCOMPANYING APPLICATION PARTS

- 9. Assignment Papers (cover sheet & document(s))
- 10. 37 CFR 3.73(b) Statement *(when there is an assignee)*
 - Power of Attorney
- 11. English Translation Document *(if applicable)*
- 12. Information Disclosure Statement (IDS)/PTO-1449
 - Copies of IDS Citations
- 13. Preliminary Amendment
- 14. Return Receipt Postcard (MPEP 503) *(Should be specifically itemized)*
- 15. Certified Copy of Priority Document(s)
(if foreign priority is claimed)
- 16. Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i).
Applicant must attach form PTO/SB/35 or its equivalent.
- 17. Other - Claim of Priority

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below, and in a preliminary amendment, or in an Application Data Sheet :

Continuation Divisional Continuation-in-part (CIP) of prior application No. 09/816,391

Prior Application Information Examiner Brian A. Whiteman Group Art Unit 1635

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference therein. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

CUSTOMER NO.
000513

By: Warren M. Cheek, Jr.
Warren M. Cheek, Jr.
Registration No. 33,367

WENDEROTH, LIND & PONACK, L.L.P.
2033 "K" Street, N.W., Suite 800
Washington, D.C. 20006-1021
Phone:(202) 721-8200
Fax:(202) 721-8250

February 23, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :
Minoru FUJIMORI et al. :
Serial No. NEW : **Attn: APPLICATION BRANCH**
Filed February 23, 2004 : Attorney Docket No. 2004_0290

**ANAEROBIC BACTERIUM AS A DRUG FOR CANCER GENE THERAPY
(Rule 1.53(b) Continuation of Serial No. 09/816,391,
Filed March 26, 2001)**

PATENT OFFICE FEE TRANSMITTAL FORM
THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEE FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached hereto is a check in the amount of **\$1,674.00** to cover Patent Office fees relating to filing the following attached papers:

Rule 53(b) application **\$770.00**
Additional Claims Fee:
Excess of Twenty **\$270.00**
Independent **\$344.00**
Multiple Dependent Fee **\$290.00**

A duplicate copy of this paper is being submitted for use in the Accounting Division, Office of Finance.

The Commissioner is authorized to charge any deficiency or to credit any overpayment associated with this communication to Deposit Account No. 23-0975, with the EXCEPTION of deficiencies in fees for multiple dependent claims in new applications.

Respectfully submitted,

Minoru FUJIMORI et al.

By Warren M. Cheek, Jr.
Warren M. Cheek, Jr.
Registration No. 33,367
Attorney for Applicants

WMC/dlk
WENDEROTH, LIND & PONACK, L.L.P.
2033 K St., N.W., Suite 800
Washington, D.C. 20006-1021
Telephone (202) 721-8200
February 23, 2004

[Check No. 60349]